

REMARKS

Reconsideration and further examination, in view of the following remarks, are respectfully requested.

Claims 1-41 are pending in the application. Of these, only claims 1-14 and 35-36 are under consideration. The remaining claims stand withdrawn for being directed to a non-elected invention.

In the Office Action, claims 1-14 and 35-36 were rejected under 35 U.S.C. § 102(a) as being anticipated by Moody (U.S. Patent No. 6,559,091). For the following reasons, this rejection should be withdrawn.

Moody does not disclose or suggest each feature of the present invention, as set forth in representative claim 1. For example, Moody does not disclose or suggest a catalyst comprising an N-donor substituted with a phenyl group, which is substituted in the para-position with an aryl or heteroaryl group, which is substituted at one or both of its ortho positions. In contrast, Moody in the Abstract and the Claims, which the Examiner references, only discloses a pyrrolyl group on the N-donor. Obviously, a phenyl group is different from a pyrrolyl group.

Thus, Moody fails to disclose or suggest each feature of the present invention. As a result, there is no *prima facie* case of obviousness, much less one of anticipation. Accordingly, the rejection under 35 U.S.C. § 102(a) should be withdrawn.

Claims 1-14 and 35-36 were also rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over all the claims of

Moody. But as discussed above, the present claims are materially different from the claims of Moody. They are not related as species-generic as the Office Action suggests. On the contrary, they represent separate classes of compounds, namely phenyl versus pyrrolyl. The two classes of compounds, therefore, are believed to be patentably distinct. Accordingly, the rejection should be withdrawn.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

If the Examiner has any questions concerning this Reply, or the application in general, he is invited to telephone the undersigned at his earliest convenience.

Respectfully submitted,

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Date: July 13, 2005

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